

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

RICHARD B. GUNTER,

Petitioner-Appellant,

vs.

UNITED STATES OF AMERICA,

Respondent-Appellee

Case No. 3:04cv256

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICHARD B. GUNTER,

Defendant.

Case No. 3:99cr086(6)

JUDGE WALTER HERBERT RICE

DECISION AND ENTRY ADOPTING INITIAL (DOC. #1014),
SUPPLEMENTAL (DOC. #1026), SECOND SUPPLEMENTAL (DOC.
#1037) AND THIRD SUPPLEMENTAL (DOC. #1069) REPORTS AND
RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE;
PETITIONER-DEFENDANT'S OBJECTIONS TO SAID JUDICIAL FILINGS
(DOCS. #1025, #1068 AND #1075) OVERRULED; JUDGMENT TO
ENTER IN FAVOR OF UNITED STATES OF AMERICA AND AGAINST
PETITIONER-DEFENDANT, DISMISSING MOTION TO VACATE UNDER
28 U.S.C. § 2255 IN ITS ENTIRETY; CERTIFICATE OF
APPEALABILITY AND ANTICIPATED REQUEST FOR LEAVE TO
APPEAL *IN FORMA PAUPERIS* DENIED; TERMINATION ENTRY

Based upon reasoning and authority set forth by the United States Magistrate Judge in his Initial (Doc. #1014), Supplemental (Doc. #1026), Second Supplemental (Doc. #1037) and Third Supplemental (Doc. #1069) Reports and Recommendations, as well as a thorough review of the Petitioner-Defendant's criminal case and the applicable law, this Court adopts said Reports and Recommendations in their entirety. In addition, Petitioner-Defendant's Objections to said judicial filings (Docs. #1025, #1068 and #1075) are overruled.

Judgment will be ordered entered in favor of the United States of America and against Petitioner-Defendant in the captioned cause, overruling Petitioner-Defendant's Motion to Vacate Sentence (Doc. #963), filed pursuant to 28 U.S.C. § 2255, in its entirety.

Given that reasonable jurists would not disagree with the conclusions reached herein, this Court denies the Defendant both a Certificate of Appealability and an anticipated Motion for Leave to Appeal *In Forma Pauperis*.

The captioned causes are hereby ordered terminated upon the docket records of this Court.

/s/ Walter Herbert Rice

February 24, 2006

WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE

Copies to:

J. Richard Chema, Esq.
Richard B. Gunter, Pro Se
Chief Magistrate Judge Michael R. Merz